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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,221	09/24/2003	Maksymilian Pierre Ravel	2003B101	2155

23455 7590 11/15/2007
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EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,221	Applicant(s) RAVEL ET AL.	
	Examiner Monique R. Jackson	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 8/30/07 has been entered. New claims 19 and 20 have been added. Claims 1 and 3-20 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Double Patenting

3. Claims 1 and 3-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 23-35 and 37-49 of copending Application No. 10/803,318. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one having ordinary skill in the art at the time of the invention to combine dependent claim limitations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. Claims 1, 3-9, 16-17 and 19-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Culotta (US H2073 H) for the reasons recited in the prior office action and restated below.

Culotta teaches coextruded, multilayer stretch packaging films comprising mLLDPE having a density of 0.910-0.925 g/cc incorporated into the skin and core film layers, wherein the films can have from as few as three layers or as many as nine layers, with specific examples having a five layer A/B/C/B/A structure (Abstract; Col. 5, lines 1-47; Col. 7, lines 14-29; Examples.) Culotta teaches specific examples comprising skin layers A containing mLLDPE with a density of 0.917 g/cc, B layers comprising a blend of minor amount of HDPE with a

major amount of LLDPE or the mLLDPE, and a C layer comprising a blend of major amount of mLLDPE with a minor amount of LDPE, though 0-100wt% LDPE would also be acceptable (Abstract; Tables 1-2; Col. 5, lines 1-47.) Culotta also teaches that the HDPE has a density of 0.920 to 0.960 g/cc and though employed in Layer B of the examples, could be employed in any other layer of the stretch film having as few as three layers or as many as nine layers (*hence in Layer C reading upon the instantly claimed core layer in Claims 1, 6-7; or in Layer A reading upon Claims 3-5; Col. 8, lines 7-21.*) Culotta also teaches that the LDPE has a density of 0.9 to about 0.935 g/cc (*reads upon claimed density range in Claims 8-9*); and though a 0.921 g/cc LDPE was specifically utilized in layer C in the examples, the LDPE having a density as described above may be incorporate into any choice of layers A, B, C, etc., wherein the incorporation of LDPE can lead to a desirable combination of film stiffness or high stretch force, and extensibility or elongation at break; *hence in Layer B which would also read upon the claimed core layer or the claimed at least one additional layer of Claim 16; Col. 7, lines 1-30.*)

Claim Rejections - 35 USC § 103

5. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culotta for the reasons recited in the prior office action and restated below.

The teachings of Culotta are discussed above. Culotta further teaches that the films can have a thickness of 0.5-1.5 mil (*reads upon less than 50 microns*) and that persons skilled in the art could determine which layer to blend in LDPE given that the incorporation of LDPE can lead to desirable film properties. Though Culotta teaches that both layers B and C can comprise a mixture of LDPE and HDPE and that the skin layers can comprise a mixture of mLLDPE with other PE resins including HDPE, Culotta does not specifically teach the weight percentages as

instantly claimed and the resulting 1% secant Modulus and gloss properties. However, one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum weight percentages of each PE resin to provide the desired film properties such as 1% secant Modulus MD/TD and 20°/60° gloss difference, for a particular end use, wherein Culotta provides sufficient information with respect to the effect of certain PE resins on the film properties.

Response to Arguments

6. Applicant's arguments filed 8/30/07 have been considered but are not persuasive. The Applicant first argues that Culotta teaches a five-layer structure of A/B/C/B/A wherein the "B" layers are "tie" layers, not "core" layers. However, the Examiner respectfully disagrees and notes that the instant claims nor the specification define the term "core" layer in a manner that would differentiate it from the "B" layers of Culotta. The Applicant further argues that Culotta teaches a three-layer film of A/B/C not A/B/A as instantly claimed, however, the Examiner notes that the instant claims recite that the skin A layers may be different and hence the structure would actually be a A/B/A' or A/B/C film as taught by Culotta. Hence, the Examiner maintains that Culotta teaches and/or suggests the instantly claimed film as discussed above.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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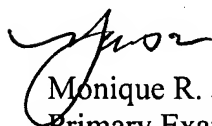
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monique R. Jackson
Primary Examiner
Technology Center 1700
November 13, 2007